

### **Response**

#### Support

Applicants have amended claim 1 to remove the phrase “organic solvent based” as the Examiner suggests. Support for this amendment may be found in the claim itself.

Applicants have amended claim 1 by removing “lubricating oils” from the list of functional fluids included in the claimed methods. Support for this amendment may be found on page 6, lines 3-8 of the specification.

Applicants have also added a new claim. Claim 22 depends on claim 1 and specifies the indicator used in the claimed method. Support for the new claim comes from claims 7 and 9 as well as page 10, lines 17-25 and page 9, lines 15-29 of the specification.

Claim 21 has been cancelled.

No other elements of the claims have been changed.

#### Remarks

The Examiner rejected claims 1-14 under 35 U.S.C. 112, second paragraph as being indefinite. The Examiner objected to the term “the organic solvent based functional fluid” as it had no antecedent basis in the amendment claim. Applicants have made the amendment the Examiner suggested to address the indefiniteness and ask that these rejections be removed.

The Examiner rejected claim 21 under 102(b) as anticipated by Pickup (US 3,580,704) or Mlinar (US 4,654,309) and also under 103(a) as unpatentable over Becket (US 5,710,372) in view of either Pickup or Mlinar. Claim 21 has been cancelled making these rejections moot.

The Examiner rejected claims 1-14 under 102(b) as anticipated by Becket (US 5,710,372). Applicants assume these rejections would apply to new claim 22 as well and treat it as such. The Examiner maintains the position that the aqueous fluids of Becket read on the lubricating oils allowed for in the present invention as Becket teaches organic materials may be present in its water-based fluids and Applicants’ claims do not exclude the possibility of water.

Applicants have amended the claims so that the list of functional fluids covered by the claimed method does not include lubricating oils. Rather the functional fluid must be an engine oil, transmission fluid, grease, gear oil, hydraulic fluid, farm tractor fluid, transformer

fluid, fuel, diesel, gasoline, biofuel, or mixtures thereof. None of these functional fluids are taught by Becket and the aqueous fluids of Becket do not read on any of these functional fluids. This element of the present claims is not taught by Becket. Therefore Applicants respectfully request the 102(b) rejections based on Becket be removed.

While the Examiner made no 103(a) rejections of claims 1-14 in this office action, Applicants note that no 103(a) rejections should be made based on Becket, alone or in combination with any of the other references cited above, for the reasons previously presented in Applicants responses, as also as Becket provides no teachings of the functional fluids the present invention requires nor provides any indication that its methods would work in such fundamentally different types of fluids. Therefore Applicants respectfully submit that the present invention is both novel and non-obvious over the cited references and the claims should be allowed.

Conclusion

For the foregoing reasons it is submitted that the present claims are novel and unobvious over the cited reference, and in condition for allowance. The foregoing remarks are believed to be a full and complete response to the outstanding office action. Therefore an early and favorable reconsideration is respectfully requested. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the Undersigned is suggested.

Any required fees or any deficiency or overpayment in fees should be charged or credited to deposit account 12-2275 (The Lubrizol Corporation).

Respectfully submitted,  
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